

Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 491 - Domestic Violence, Firearms (LSB 1098 SV)

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Fiscal Note Version - New

Description

Senate File 491 amends Section 724.26, Code of Iowa, to prohibit the knowing possession, shipment, transportation, or receipt of a firearm or offensive weapon by a person who is the subject of a protective order under federal law or by a person who has been convicted of a misdemeanor crime of domestic violence under federal law. The Bill creates a new Class D felony and does not allow such a person to obtain a permit to carry weapons or acquire pistols or revolvers. Unless a forfeiture proceeding has been initiated, the firearm or offensive weapon taken into custody or surrendered to law enforcement will be disposed of in one of the four ways listed in the Bill.

Background

- In FY 2006, there were 133 offenders convicted of felon in possession of a firearm, which is a Class D felony. This is current law and remains so under this Bill.
- Felons in possession of a firearm are frequently transferred to federal jurisdiction. Under current practice, domestic abuse firearm offenses typically remain within Iowa jurisdiction.
- In FY 2006, there were 2,928 offenders convicted of domestic abuse assault.
- In FY 2006, there were 23,811 no contact, protective, and temporary protective orders issued.
- In Calendar Year 2006, there were 13 known cases of domestic abuse firearms convictions.
- Since 1995, there have been 124 Iowans killed in domestic abuse murders, including 16 children. Of these 124 murders, 74 (59.7%) men, women, and children were killed by the use of a gun.
- The average length of stay for a Class D felon on probation is approximately 34 months at a cost of \$3.15 per day.
- The average length of stay in prison for a Class D felon is approximately 19 months at a cost of \$14.80 per day. These offenders are usually then placed on parole for approximately 14 months at a cost of \$3.15 per day.

Assumptions

- A court order to transfer possession of the weapon to someone else would result in approximately 20 minutes of court time and 15 minutes of clerk time.
- The \$50 storage fee payable to the county sheriff would result in five minutes of clerk time per case. There would be a one-time Iowa Court Information System (ICIS) programming fee.
- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.

- The law will become effective July 1, 2007. A lag effect of six months is assumed from the law's effective date to the date of the first entry of affected offenders into the correctional system.
- There would be no jury trials.
- It is not known how many of the no contact, protective, and temporary protective orders involved a person who has been convicted of a misdemeanor domestic violence crime.

Correctional Impact

With an incarceration rate of 42.3% for similar cases and an average length of stay in prison of 19 months, it is estimated that there would be less than 10 additional prisoners within three years. In FY 2008, there would be one additional offender sentenced to prison. There would be three offenders sentenced to prison for each year thereafter.

Fiscal Impact

In FY 2008, the estimated additional cost for the Justice System would be \$4,200 and in FY 2009, the additional cost to the Justice System would be \$21,600.

The revenue generated from the \$50 storage fee for the county sheriff is anticipated to be minimal.

Sources

Attorney General
Department of Human Rights, Criminal and Juvenile Justice Planning
Department of Corrections
Judicial Branch
Board of Parole
State Public Defender

/s/ Holly M. Lyons

March 14, 2007

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.